

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

In re: Josephine C. Eggerson,

Debtor

Case No. 20-20842-E

Chapter 13

TRUSTEE’S OBJECTION TO ATTORNEY FEES

Comes now Sylvia Ford Brown, the Chapter 13 Trustee assigned to this case, who would show unto the Court the following for which relief of this Honorable Court is sought:

1. That the instant Chapter 13 bankruptcy case was filed January 31, 2020;
2. That a Notice of Postpetition Mortgage Fees, Expenses and Charges (dkt. 21) has been filed in this case by Home Point Financial Corporation, a mortgage creditor (hereinafter, “mortgage creditor”), which includes attorney fees which may not have been approved by the Court;
3. That your Trustee has reason to believe the attorney fees sought are excessive and therefore unreasonable and therefore requests a hearing to determine the amount of the fees which the mortgage creditor may add to the debtor’s account and subsequently recover;
4. That an employee of the mortgage creditor familiar with the books and records be required to appear with the books and records in hand to testify as to the reasonableness of the attorney fees and whether the note contains language that would allow collection of attorney fees in this particular case;
5. That all mortgage creditor attorneys seeking approval of attorney fees in the case appear and testify as to the reasonableness of the fees being sought:

WHEREFORE, YOUR TRUSTEE PRAYS:

1. That this matter be set for hearing;
2. That an employee of the mortgage creditor familiar with and in possession of the books and records be required to appear in open Court and provide testimony to substantiate the reasonableness and legal entitlement to the attorney fees being sought;
3. That all mortgage creditor attorneys seeking attorney fees in this matter appear individually to provide testimony as to the reasonableness of their fees;
4. That this Honorable Court, after a hearing, determine whether the mortgage creditor is entitled to attorney fees in the matter and whether the attorney fees being sought are reasonable under the circumstances;
5. That in the event a response to this objection is not filed, the attorney fees set forth in the Notice of Postpetition Mortgage Fees, Expenses, and Charges be deemed uncollectable against the debtor and against the real property secured by the deed of trust currently held by the mortgage creditor;
6. That your Trustee be granted such any and further relief to which he may be entitled.

Respectfully submitted,

/s/ James Bergstrom
Attorney for Sylvia F. Brown
Chapter 13 Trustee
200 Jefferson, Ste 1113
Memphis, TN 38103

Certificate of Service

The undersigned hereby certifies that on this 11th day of March 2020, copies of the documents identified below were mailed or hand-delivered to the parties listed.

DOCUMENTS SERVED:

Trustee's Objection to Attorney Fees filed by the office of Sylvia Ford Brown, Chapter 13 Trustee.

/s/ James Bergstrom
On behalf of:
Sylvia Ford Brown
Chapter 13 Trustee
200 Jefferson, Ste. 1113
Memphis, TN 38103

PARTIES SERVED:

Debtor
Debtor's Atty
Mortgage Creditor
Mortgage Creditor's Attorney